

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CHARLES LOCKHART,

Plaintiff,

vs.

BRIAN CASSIN, and EXPERIAN LLC,

Defendants.

8:23CV32

MEMORANDUM AND ORDER

Plaintiff Charles Lockhart, a non-prisoner, filed a Motion for Leave to Proceed in Forma Pauperis. [Filing No. 3](#); [Filing No. 3-1](#).¹ Upon review of Plaintiff's Motion, the Court finds that Plaintiff is financially eligible to proceed in forma pauperis.

Plaintiff also filed a form summons, which the Court construes as a motion for summons. [Filing No. 4](#). This matter may not proceed to service of process at this time. Because Plaintiff is proceeding in forma pauperis, the Court is required to review Plaintiff's Complaint to determine whether summary dismissal is appropriate. See [28 U.S.C. § 1915\(e\)\(2\)](#). The Court must dismiss a complaint or any portion thereof that states a frivolous or malicious claim, that fails to state a claim upon which relief may be granted, or that seeks monetary relief from a defendant who is immune from such relief. [28 U.S.C. § 1915\(e\)\(2\)\(B\)](#). This matter may not proceed to service of process unless so ordered by the Court after conducting this initial review.

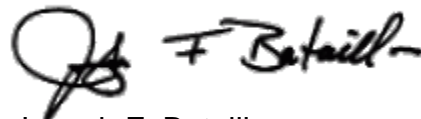
¹ Plaintiff's motion, as well as his Complaint, were unsigned upon filing. See [Filing No. 1 at 5](#); [Filing No. 3 at 2](#). In response to the Clerk of the Court's text notice of deficiency, Plaintiff corrected the signature deficiencies on February 1, 2023. [Filing No. 1-2](#); [Filing No. 3-1](#). The signature page Plaintiff provided for his in forma pauperis motion also included additional information about his available assets and debts. [Filing No. 3-1](#).

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion for Leave to Proceed in Forma Pauperis, [Filing No. 3](#); [Filing No. 3-1](#), is granted, and the Complaint shall be filed without payment of fees.
2. Plaintiff's Motion for Summons, [Filing No. 4](#), is denied as premature.
3. Plaintiff is advised that the next step in his case will be for the Court to conduct an initial review of his claims to determine whether summary dismissal is appropriate under [28 U.S.C. § 1915\(e\)\(2\)](#). The Court will conduct this initial review in its normal course of business.

Dated this 8th day of February, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon". The signature is stylized with a large, looped initial "J" and a cursive "F".

Joseph F. Bataillon
Senior United States District Judge